UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,161	06/19/2006	Danny A. Grant	IMMR-0152D (034701-517)	3262

60140 7590 10/16/2008

IMMERSION -THELEN LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

EXAMINER	
WOOLCOCK, LENWORTH A	
ART UNIT	**PAPER NUMBER**
2629	
MAIL DATE	**DELIVERY MODE**
10/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,161	GRANT ET AL.	
	Examiner	Art Unit	
	LENWORTH WOOLCOCK	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/04/2006, 06/04/2007, 09/19/2007, 07/18/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Objections

Claims 19 and 24 are objected to because of the following informalities: Line 1 of claims 19 and 24 states "The apparatus, comprising:". No prior apparatus has been mentioned. "An apparatus, comprising:" is recommended. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-19 and 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 10 and 13 states "a computer-readable medium on which is encoded program code". The claims and specification suggests a computer-readable medium is data embodied in a carrier signal which is non statutory subject matter.

Claims 17 and 18 states "a data stream embodied in a carrier signal" which is non-statutory subject matter.

Claims 19 and 24 recites "a program code" which is non statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al (US 20010035854).

Consider claims 1, 10, and 17, Rosenberg discloses a method, comprising: receiving an input signal associated with a virtual touch **(see par. [0008], user touches pad or screen)**; outputting a request relating to a contact with a user-interface member coupled to a handheld communication device **(see par. [0008], output a positional signal to the processor)**; and providing a control signal associated with the contact to an actuator coupled to the handheld communication device, the control signal configured to cause the actuator to output a haptic effect associated with the virtual touch **(see par. [0009], when touch is sensed, a microprocessor receives force information and provides haptic feedback based on the force input)**.

Consider claim 5, 13, and 18, Rosenberg discloses a method, comprising: receiving a virtual touch indicator **(see par. [0008], signal from touch sensor)**; performing an initialization responsive to the virtual touch indicator on a handheld

communication device **(see par. [0008], input a positional signal to the processor)**; receiving a virtual touch signal associated with the initialization **(see par. [0009], microcontroller receives force information)**; and outputting a control signal associated with the virtual touch signal to an actuator coupled to the handheld communication device **(see par. [0009], when touch is sensed, a microprocessor receives force information and provides haptic feedback based on the force input)**.

Consider claim 19, Rosenberg discloses an apparatus, comprising: a user-interface member coupled to a body **(see par. [0008])**; a processor **(see par. [0008])**; an actuator coupled to the body and in communication with the processor **(see par. [0008])**; and a memory in communication with the processor, the memory storing program code executable by the processor **(see par. [008], memory inherently in communication with the processor)**, including: receiving an input signal associated with a virtual touch **(see par. [0008], user touches pad or screen)**; outputting a request relating to a contact with a user-interface member coupled to a handheld communication device **(see par. [0008], output a positional signal to the processor)**; and providing a control signal associated with the contact to an actuator coupled to the handheld communication device, the control signal configured to cause the actuator to output a haptic effect associated with the virtual touch **(see par. [0009], when touch is sensed, a microprocessor receives force information and provides haptic feedback based on the force input)**.

Consider claim 24, Rosenberg discloses an apparatus, comprising: a user-interface member coupled to a body **(see par. [0008])**; a processor **(see par. [0008])**; an actuator coupled to the body and in communication with the processor **(see par. [0008])**; and a memory in communication with the processor, the memory storing program code executable by the processor **(see par. [008], memory inherently in communication with the processor)**, including: receiving a virtual touch indicator **(see par. [0008], signal from touch sensor)**; performing an initialization responsive to the virtual touch indicator on a handheld communication device **(see par. [0008], input a positional signal to the processor)**; receiving a virtual touch signal associated with the initialization **(see par. [0009], microcontroller receives force information)**; and outputting a control signal associated with the virtual touch signal to an actuator coupled to the handheld communication device **(see par. [0009], when touch is sensed, a microprocessor receives force information and provides haptic feedback based on the force input)**.

Consider claims 2 and 11, Rosenberg discloses extracting a haptic code from the input signal, the control signal being based at least in part on the haptic code **(see par. [0009])**.

Consider claims 3, 7, 15, 22, and 27, Rosenberg discloses the user-interface member includes one of a key, a button, a key pad, a direction pad, a touch screen, a scroll wheel, a mini-joystick, a trackball, and a knob **(see par. [0009])**.

Consider claims 4, 12, 23, and 28, Rosenberg discloses the virtual touch is associated with one of a handshake, a high-five, a pat on the back, a pulse sensation, a heartbeat sensation, and a pet purring sensation **(see par. [0010])**.

Consider claims 6 and 14, Rosenberg discloses the actuator is configured to output a haptic effect to a user-interface member coupled to the handheld communication device **(see par. [0008])**.

Consider claim 8, Rosenberg discloses the initialization includes outputting a request relating to a contact with the user-interface member **(see par. [0009], contact with touch pad)**.

Consider claims 9 and 16, Rosenberg discloses the virtual touch signal is associated with a manipulation of a remote user-interface member **(see par. [0008], touch pad/screen)**.

Consider claims 20 and 25, Rosenberg discloses body is included in a handheld communication device **(see fig. 1)**.

Consider claims 21 and 26, Rosenberg discloses the handheld communication device includes one of a cellular phone, a satellite phone, a cordless phone, a personal digital assistant, a pager, a two-way radio, a portable computer, a game console controller, a personal gaming device, and an MP3 player **(see fig. 1)**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENWORTH WOOLCOCK whose telephone number is (571)270-5152. The examiner can normally be reached on M-F 8:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571-272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lenworth Woolcock/
Examiner, Art Unit 2629
/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629